IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.1299 OF 1991

Choorapetty V. Babu. .. .. Petitioner
v/s.
Union of India & ors. .. .. Respondents

None for petitioner.

Mr.J.S.Jetly for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 16th November 2006

P.C. :

1. This Petition has been notified for directions since nobody had appeared for the petitioner when the matter was notified earlier. Nobody is present today also.

2. Mr.Jetly appearing for the respondents informs that in view of the orders passed in this Petition, the goods have already been cleared. Therefore, the respondents will have to give a notice to the petitioner when they adjudicate. In view thereof, there is no reason to retain this Petition any more. Petition is dismissed for non-prosecution. Interim order, if any, stands vacated.

3. We may add that Mr.Jetly has drawn our

attention in **Yogesh B. Shah vs. Union of India reported in 1992 (57) E.L.T. 41 (Bom.)** where the cloves were held as spices and not as drug intermediates as is claimed by the petitioner in the present Petition. It will be open to the respondents to pass an order in the light of this judgment relied upon by them though after hearing the petitioner.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)